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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,484	08/29/2001	Kevin McCarthy	367.40541X00	4845
20457	7590	01/14/2005	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889				PESIN, BORIS M
ART UNIT		PAPER NUMBER		
		2174		

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/940,484	MCCARTHY, KEVIN	
	Examiner	Art Unit	
	Boris Pesin	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 August 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 and 7-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 and 7-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Amendment

This communication is responsive to Amendment A, filed 08/11/2004.

Claims 1-5 and 7-15 are pending in this application. Claims 1 and 3 are independent claims. In the Amendment A, Claims 1, 3, 7, 9, and 11 were amended and claim 6 was canceled. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3-5, and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Nokia 6100 User's Guide, 9351506, Issue 2 ("Nokia," http://nds1.nokia.com/phones/files/guides/6110_usersguide_en.pdf, June 7th, 1998).

As per independent claim 3, Nokia teaches a handportable communication terminal, including a control unit, a user interface including a display, text input means, said user interface being controlled by the control unit (page 53, column 1, lines 1-8), a clock application controlled by the control unit, and having a clock function and a

reminder application which the display can present (page 43, column 2, lines 1-4), said reminder application has: a text editor window in which the user through the user interface enters a reminder text label (page 53, column 2, lines 16-19), and a time entry window in which the user through the user interface enters a date and time for the reminder (page 53, column 2, lines 29-35), an alert unit that alerts when the clock reaches the entered date and time for the reminder (page 54, column 2, lines 1-3), and wherein the reminder application allows the user to transmit a reminder to a remote second communication terminal via a wireless communication network (page 53, column 2, lines 1-4).

As per claim 4, which is dependent on claim 3, Nokia teaches a clock application providing real time clock information to the reminder application, and said reminder application displays a reminder note when the real time clock has reached the reminder time (page 43, column 2, lines 1-4 and page 54, column 2, lines 1-3).

As per claim 5, which is dependent on claim 3, Nokia teaches that the reminder application provides the user access to "Add new" reminders (page 53, column 2, lines 11-35), "View all" existing reminders (page 54, column 1, lines 18-23) and "Erase" existing reminders (page 54, column 1, lines 10-18).

As per claim 7, which is dependent on claim 3, Nokia teaches that the reminder application upon receiving instructions to send a reminder requests the user to enter a phone number on the receiver of the reminder (page 53, column 2, lines 1-4).

As per claim 8, which is dependent on claim 7, Nokia teaches that the reminder application allows the user to search for the phone number of the receiving terminal in

an internal phone number database of the transmitting terminal (page 20, column 1, lines 16-24, *user can search a phone number database to find phone numbers*).

As per claim 9, which is dependent on claim 3, Nokia teaches that the reminder application allows the user to inspect a reminder received from a remote second communication terminal via a wireless communication network (page 53, column 2, lines 1-5, *reminders can be sent as messages* and page 32, column 1, lines 6-15, *messages can be received on handportable device*).

As per claim 10, which is dependent on claim 9, Nokia teaches that the reminder application furthermore allows the user to save or discard a reminder received from a remote second communication terminal (page 32, column 2, lines 7-10 and page 32, column 1, lines 15-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nokia 6100 User's Guide, 9351506, Issue 2 ("Nokia," http://nds1.nokia.com/phones/files/guides/6110_usersguide_en.pdf, June 7th, 1998) in further view of Mercer et al. ("Mercer," US006167429A).

As per claim 11, which is dependent on claim 3, the teachings of Nokia in regards to claim 6 have been discussed above. Nokia does not explicitly disclose that the reminders are transferred via the wireless communication network included in a message according to the Smart Messaging Specification.

Mercer teaches that the reminders are transferred via the wireless communication network included in a message according to the Smart Messaging Specification (column 1, lines 38-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Nokia with a means to send communications according to the Smart Messaging Specification, as taught by Mercer, with the motivation to enable access to a range of text based services from a mobile phone (column 1, lines 41-42).

Claims 12-15 are similar in scope to claim 11, and are therefore rejected under similar rationale.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nokia 6100 User's Guide, 9351506, Issue 2 ("Nokia," http://nds1.nokia.com/phones/files/guides/6110_usersguide_en.pdf, June 7th, 1998) in further view of Huna (US 6438217).

As per independent claim 1, Nokia teaches a method of handling reminders in a handportable communication terminal, comprising manually entering characters into a text editor window for providing a reminder text (page 53, column 2, lines 16-19),

entering time information into a time entry window for setting a reminder time (page 53, column 2, lines 29-35), providing real time clock information from a clock application (page 43, column 2, lines 1-4), comparing said time information with the real time clock information (page 54, column 2, lines 1-3), and alerting when the real time clock has reached said reminder time (page 54, column 2, lines 1-3).

Nokia does not teach transmitting a reminder to a remote second communication terminal via a wireless communication network based on the alerting. Huan teaches transmitting a reminder to a remote communication terminal via a wireless communication network based on an alerting mechanism (i.e. Figure 5, Element 506). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nokia with the teachings of Huan and include a method of transmitting a reminder to a communication terminal based on a preset time with the motivation to provide a convenient method of reminding others of important information.

As per claim 2, which is dependent on claim 1, Nokia teaches that the alerting comprises display of the reminder text (page 54, column 2, lines 1-3).

Response to Arguments

Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 08/11/2004 in regards to claims 3-5 and 7-15 have been fully considered but they are not persuasive.

The applicant argues:

a. In regards to claim 3 Nokia does not teach transmitting a reminder to a remote second communication terminal via a wireless communication network based on the alerting.

In regards to argument (a), the Examiner points out that "based on the alerting" is not in the claim language of claim 3. The Applicant amended claim 1 to include this specific language; however it was omitted from claim 3. Therefore a new rejection was issued for claims 1-2, but no new art was necessary for claim 3 because Nokia user manual alone teaches all the limitations of claim 3.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BP

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